

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS SANTIAGO,

Plaintiff,

vs.

GMAC MORTGAGE GROUP, INC., GMAC
RESIDENTIAL HOLDING CORP., and GMAC
MORTGAGE CORPORATION,

Defendants.

Civil Action No. 02-4048

**DECLARATION OF RONALD D. PACKARD
IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES ON BEHALF OF
PACKARD, PACKARD & JOHNSON, P. C.**

I, RONALD D. PACKARD, declare as follows:

1. I am an attorney and a member of the law firm of Packard, Packard & Johnson, P.C., 4 Main Street, Suite 200, Los Altos, California 94022. I am submitting this Declaration in support of Plaintiff's Counsel's application for an award of attorneys' fees from the settlement achieved for the Settlement Class in the above-captioned litigation, as well as the reimbursement of expenses reasonably incurred by my firm in connection with this litigation.

2. I am an attorney in good standing and duly licensed and admitted to the California State bar. The testimony set forth in this Declaration is based on my first-hand knowledge and/or an examination of my firm's files.

3. My firm's compensation for the services rendered on behalf of the Class is wholly contingent. Any fees and reimbursement of expenses will be limited to such amounts as approved by this Court.

4. My firm acted as one of the Plaintiff's Counsel in this class action. In serving as one of the Plaintiff's Counsel, my firm participated in activities resulting in the \$650,000.00 proposed settlement. These activities include conducting a pre-filing investigation, filing an initial complaint, negotiating with other Plaintiff's Counsel to coordinate the action brought by our client with other pending litigation, briefing Plaintiff's opposition to Defendants' motion to dismiss, participating in initial case management conferences and the formulation of a discovery plan, litigating this matter on appeal, reviewing discovery, participating in a continuing investigation of the claims and theories at issue, participating in the development of mediation strategies and formulating damage theories and proposals for allocation of settlement funds, coordination with defense counsel, drafting correspondence, preparing for and participating in mediation proceedings, consulting with co-counsel on settlement strategies and objectives, drafting and reviewing settlement documents, negotiating settlement terms, development of the plan of allocation, development of the claims procedures and design of the claim form, preparation of the motion for preliminary approval of the settlement, and participating in the administration of the settlement.

5. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time spent by the partners, attorneys, and professional support staff of my firm who were involved in this litigation, and the lodestar calculation based on my firm's current billing rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the billing rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. No time expended in

connection with preparing this application for fees and reimbursement of expenses has been included in this request.

6. The hourly rates for the partners, attorneys, and professional support staff in my firm included in Exhibit 1 are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted and approved in other securities or shareholder litigation.

7. The total number of hours expended on this litigation by my firm is over 1,328 hours. The total, at our current rates, for my firm is \$477,641.

8. My firm's figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

9. As detailed in Exhibit 2, my firm has incurred a total of \$22,519 in unreimbursed expenses reasonably incurred in connection with the prosecution of this litigation.

10. The expenses incurred in this action by my firm are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and represent an accurate recordation of the expenses incurred.

11. With respect to the standing of counsel in this case, attached hereto as Exhibit 3 is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Executed this 17th day of July, 2007, at Los Altos, California.


RONALD D. PACKARD

EXHIBIT 1

Santiago v. GMAC Mortgage Group, Inc., et al., 02-4048

PACKARD, PACKARD & JOHNSON, P.C.

TIME REPORT

(SEE ATTACHED)

Santiago v. GMAC Mortgage Group, Inc. et al., No. 02-CV-04048
 Packard, Packard & Johnson APC
 Inception through June 2007
 (Not Reviewed in Detail)

	Name	Title	A	B	C	D	E	F	G	H	Hours	Hourly Rate (\$)	(\$)
Partners													
	Johnson, Craig H.	Partner	107.67	26.15	18.00	0.00	49.25	31.00	2.50	24.05	258.61	550	\$142,237.33
	Packard, Ronald D.	Partner	1.83	0.83	14.17	0.00	11.83	3.17	5.42	2.08	39.33	550	21,633.33
	Packard, Von G.	Partner	19.58	0.42	14.17	0.00	13.67	1.75	2.50	21.08	73.17	550	40,241.67
	Packard, Lon D.	Partner	50.50	0.85	5.00	0.00	0.58	0.00	0.00	1.83	58.77	550	32,321.67
Associates													
	Hooile, Gregory	Associate	31.00	0.50	4.17	0.00	11.92	0.00	6.92	0.25	54.75	325	17,793.75
	Bardacos, Jaquetta	Associate	7.97	0.00	13.80	0.00	37.08	0.00	4.00	1.07	63.92	400	25,566.67
	Shields, Joann	Associate	102.50	37.67	50.58	0.00	85.83	0.00	6.00	13.83	296.42	375	111,156.25
	Favro, Philip	Associate	0.00	0.00	0.08	0.00	3.67	2.42	9.83	4.50	20.50	325	6,662.50
	Santiago, Tessa M.	Associate	70.74	0.00	0.85	0.00	11.65	1.00	0.17	0.17	84.57	325	27,483.25
Sub-totals of Attorneys			391.79	66.41	120.82	0.00	225.48	39.33	37.33	68.87	950.03		\$425,098.42
Professional Support Staff													
	Keib, Cynthia	Paralegal	61.00	0.33	25.92	0.00	13.00	0.00	0.17	8.25	108.67	150	16,300.00
	Romney, Lorelle	Paralegal	19.23	0.00	5.67	0.00	0.75	0.00	0.00	0.00	25.65	150	3,847.50
	Syphers, Stephanie	Legal Assistant	21.40	6.27	3.00	0.00	9.85	0.00	1.50	6.17	48.18	150	7,227.50
	Western, Sharon	Legal Assistant	20.25	4.00	16.17	0.00	15.92	6.75	10.17	8.42	81.67	150	12,250.00
	Sandoff, Ana	Legal Assistant	4.00	1.67	2.67	0.00	16.17	0.00	0.00	0.25	24.75	100	2,475.00
	Severson, Carol	Legal Assistant	28.58	0.30	0.00	0.00	0.00	0.00	0.00	0.23	29.12	75	2,183.75
	Kelly, James	Paralegal	15.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15.83	150	2,375.00
	Workman, Ronald	Paralegal	17.83	0.00	11.50	0.00	0.17	0.00	0.00	0.00	29.50	100	2,950.00
	Atkinson, Scott	Analyst	0.00	0.00	0.50	0.00	1.92	12.25	0.00	0.00	14.67	200	2,933.33
Sub-totals of Professional Support Staff			188.13	12.57	65.42	0.00	57.77	19.00	11.83	23.32	378.03		\$52,542.08
Totals			579.92	78.98	186.23	0.00	283.25	58.33	49.17	92.18	1,328.07		\$477,640.50

Task Codes:

- A. Pre-filings Investigation
- B. Pleadings
- C. Merits Discovery and Post-filing Fact Investigation
- D. Class Certification
- E. Research, Briefs & Pre-trial Motions
- F. Mediation & Settlement
- G. Court Appearances & Preparation
- H. Conferences, Interviews, Telephone Calls, Meetings & Correspondence

EXHIBIT 2

Santiago v. GMAC Mortgage Group, Inc., et al., 02-4048

PACKARD, PACKARD & JOHNSON, P.C.

UNREIMBURSED EXPENSES REPORT - Inception through 7/17/07 (Partial)

Categories	Total
Legal Research	6,498.80
Meals, Hotels, & Transportation	8,721.31
Filing/ Witness Fees	838.97
Photocopies/ Reproduction	2,536.27
Telephone	8,185.22
Mailing, Postage, Courier/Express Service	737.98
Grand Total	\$22,518.54

EXHIBIT 3

FIRM RESUME AND BIOGRAPHIES

PACKARD, PACKARD & JOHNSON, P.C.

(SEE ATTACHED)



Packard, Packard & Johnson ("PP&J"), a California Professional Corporation, is an AV-rated law firm that prosecutes complex contingent-fee commercial litigation, including litigation involving nationwide class actions, federal and state false claims actions, bad-faith actions, fraud, products liability and contract disputes. PP&J was established in 1979 in Palo Alto, California, and today maintains offices in Los Altos, California, Salt Lake City, Utah, and Beaumont, Texas. For decades, the firm has successfully prosecuted defendants involved in industries as diverse as accounting, aerospace, automotive, computers, consultancy, defense, electronics, finance, insurance, medical, securities, telecommunications and real property.

PP&J has pursued some of the largest domestic and foreign companies conducting business in the United States including, Apple Computer, British Petroleum, Chevron, Compaq, Daewoo Electronics, Dell Computer, Digital Equipment Corporation, Ernst & Young, Exxon, General Motors, Hercules, Hewlett-Packard, Hyundai Electronics, IBM, KPMG, Lucas International, Mobil, NEC, Packard Bell, Price Waterhouse Coopers, Shell Oil, Sony, Texaco, Toshiba, U.S. West, Volkswagen, and Wells Fargo.

PP&J's cases have been reported in such nationally-distributed periodicals as the *Wall Street Journal* and *USA Today*. A preponderance of the firm's cases are referred through other attorneys as a consequence of PP&J's successes in major complex litigation. All litigation is pursued on a contingency basis and PP&J is well positioned and has the financial strength to expend years in the investigation and prosecution of complex lawsuits.

PP&J's cases regularly raise cutting-edge legal theories for which there has been little or no judicial precedent, and frequently involve highly-technical and scientific subject matters. This has required the development and use of sophisticated technical expertise and the coordination and supervision of large numbers of technical, business and accounting consultants and experts. Certain cases have required PP&J to create and supervise large document depositories staffed with competent legal and technical paralegal teams to carefully analyze, review and enter into computerized data banks relevant data from many millions of documents.

Representative case highlights include a 1993 California state court class action lawsuit for fraud and breach of contract against a subsidiary of U.S. West. PP&J obtained a resolution in excess of \$7.5 Million for a nationwide class. In the 1994 federal case of Copeland, et al. v. Lucas International, PP&J filed suit in Federal District Court for the District of Utah for fraud involving the manufacture and quality assurance of control components for aircraft; the case was resolved for an amount in excess of \$86 Million.

In 1996 and 1997 PP&J investigated, developed and filed a nationwide class action against numerous electronic manufacturers and retailers for misrepresentations concerning characteristics of computer system components. It helped organize a consortium of attorneys to prosecute the case and served on both the case management and settlement committees. The value of the settlement to the class was in excess of approximately \$100 Million.

In 1998, after prosecuting a False Claims Act lawsuit for approximately eight years from the date the Department of Justice declined intervention, PP&J and the law firm of Thorsnes, Bartolotta & McGuire, resolved a lawsuit against Hercules that had been filed in the Federal District Court for the District of Utah. Hercules was the nation's largest manufacturer of solid-fuel rocket motors. The complaint alleged fraud in the quality assurance program connected with the following missile systems: Minuteman, MX (Peacekeeper), Pershing II, Trident I and II, Titan IV, and Pegasus. This lawsuit contained numerous legal issues that were matters of first impression, including whether a Federal False Claims Act case could be sustained without proof of a defective product but with proof of a failure to follow contractually-mandated quality assurance protocol. The case involved approximately twenty experts/consultants (on Plaintiffs' side) having experience, respectively, in virtually every major aspect of solid-fuel rocket motor fabrication and quality assurance. The case also required the methodical review and creation of a computerized database containing information from many millions of pages of manufacturing and inspection records. At the time it was resolved, for approximately \$55 Million, it was the largest settlement in history of a Federal False Claims action in which the United States did not intervene.

In 1999 and 2000 PP&J was part of a consortium of attorneys that obtained a resolution against numerous domestic and foreign oil producers and refiners for failure to pay all royalties due pursuant to contract. The settlement in this matter totaled approximately \$400 Million.

Between approximately 1996 and early 2000, PP&J worked in a consortium of attorneys on combined class actions and False Claims Act cases involving a defect in the design of floppy diskette controllers for personal computers, which caused the undisclosed corruption of data. PP&J spent several years investigating and developing this case before associating additional counsel and helping organize the consortium. The False Claims Act portion of the lawsuit was resolved against defendant Toshiba for approximately \$34 Million. The class action against Toshiba was ultimately resolved for an amount in excess of \$2 Billion. Class actions against other personal computer manufacturers concerning the floppy diskette controller defect are still pending.

The attorneys that would be heading-up PP&J's efforts in this matter are set forth immediately below.

Lon D. Packard was born in Boise, Idaho, August 7, 1951; admitted to bar, 1977, California and U.S. District Court, Central District of California; 1979, U.S. District Court, Northern and Eastern Districts of California; 1983, U.S. Supreme Court; 1993, Utah and U.S. District Court, District of Utah; 1996, U.S. District Court, Northern District of Texas. Education: Stanford University (B.A., 1974); Brigham Young University (J.D., cum laude, 1976). Member, Brigham Young University Law Review, 1975-1976. Member: State Bar of California; Utah State and American Bar Associations; Consumer Attorneys of California; The Association of Trial Lawyers of America. Languages: Spanish and Russian. Practice Areas: Class Actions; False Claims Act; Complex Business Litigation.

Craig H. Johnson, born Pasadena California, November 14, 1952; admitted to bar, 1979, California and U.S. District Court, Southern District of California; 1983, U.S. District Court, Central District of California; 1992, U.S. Supreme Court; 1995, Utah; U.S. District Court, Central District of Utah; 1996, U.S. District Court, Northern District of Texas. Education: Brigham Young University (B.A., 1976); University of the Pacific, McGeorge School of Law (J.D., 1979). Phi Delta Phi. Lifetime Member, Traynor Honor Society. Recipient: American Jurisprudence Award in Corporations: Securities Regulations; Awarded Lewis F. Powell Medallion for Excellence in Trial Advocacy by American College of Trial Lawyers. Western Winner, National Trial Advocacy Competition. Staff Writer for "Legislative Review" of *Pacific Law Journal*, 1977. Author: "Criminal Procedure: Death Penalty," 9 *Pacific Law Journal* 439, 1978; "Career Criminals," 9 *Pacific Law Journal* 457, 1978. 1987-1993, Partner/Shareholder/Managing Attorney San Diego Office of Spensley Horn Jubas & Lubitz, a law firm specializing in intellectual property law and the general representation of high-

technology clients. Member: American Bar Association; The State Bar of California; Utah State Bar; The Association of Trial Lawyers of America. Practice Areas: Complex Business Litigation; Class Actions; False Claims Act.

Ronald D. Packard, born Santa Monica, California, December 17, 1948; admitted to bar, 1976, California and U.S. District Court, Northern District of California; 1980, U.S. Tax Court; 1983, U.S. Supreme Court. Education: University of California at Riverside (B.A., cum laude, 1971; M.B.A., magna cum laude, 1972); University of California at Berkeley (M.B.A., 1976); Hastings College of Law, University of California (J.D., 1976). Member, Mountain View City Council, 1979-1984. Mayor, Mountain View, 1983-1984. Member: Santa Clara County and American Bar Associations; State Bar of California; Consumer Attorneys of California; The Association of Trial Lawyers of America. Practice Areas: Complex Business Litigation; Class Actions; False Claims Act.

Von G. Packard, born Boise, Idaho, August 7, 1951; admitted to bar, 1977, California and U.S. District Court, Northern District of California; 1980, U.S. District Court, Eastern District of California; 1983, U.S. Supreme Court. Education: Stanford University (B.A., 1974); Brigham Young University (J.D., 1976). Member, Board of Advocates. Member: Santa Clara County and American Bar Associations; State Bar of California; The Association of Trial Lawyers of America; Consumer Attorneys of California. Languages: Spanish. Practice Areas: Complex Business Litigation; Class Actions; False Claims Act; Personal Injury; Products Liability.

Jacquetta Barcados, born San Francisco, California, August 24, 1960; admitted to bar 1988, California and U.S. District Court, Central and Northern Districts. *Education:* University of California, San Diego (B.A.); Santa Clara University (J.D., 1988). Member: Santa Clara University Law Review, 1987-1988; Comment, "Premises Liability: Alternative Tort Causes of Action," 26 *Santa Clara Law Review* 719 (1987); Dean's List; Legal Extern, Hon. Nat A. Agliano, Presiding Judge, Sixth Appellate District, California Court of Appeal, 1987. Languages: French. Practice Areas: Class Actions; False Claims Act; Complex Business Litigation.

Gregory N. Hoole, born Salt Lake City, Utah, July 5, 1970; admitted to bar 1997, Utah and U.S. District Court, District of Utah. Education: University of Utah (B.A., cum laude, 1994, Phi Beta Kappa); University of Utah College of Law (J.D. 1997). Note and Comment Editor, *Journal of Contemporary Law*. Judge Advocate, United States Navy, Judge Advocate General's Corps, Senior Defense Counsel (1997-2000). Member, Utah State Bar. Language: Japanese. Practice Areas: Complex Business Litigation; Class Actions; False Claims Act. [former associate]

Tessa Meyer Santiago, born Johannesburg, South Africa, March 3, 1966; admitted to bar, 2002, Utah and U.S. District Court, District of Utah. Education: Brigham Young University (B.A., magna cum laude, 1989), (J.D., magna cum laude, 2001). Order of Barristers for Oral Advocacy; First Place Essay, 2001 Roscoe Hogan Environmental Law Essay, awarded by Roscoe Pound Institute. First Place Team, 30th Annual William B. Spong Jr, Invitational Moot Court Tournament, College of William and Mary, Williamsburg, Virginia. Member, Utah State Bar.

Philip J. Favro, born San Francisco, California, July 26, 1971; admitted to bar, 1999, California and U.S. District Court, Northern District of California. *Education:* Brigham Young University (B.A., 1994); Santa Clara University (J.D., 1999). *Publications:* *A New Frontier in Electronic Discovery: Preserving and Obtaining Metadata*, 13 Boston University Journal of Science & Technology Law 1 (2007); *Member:* American Bar Association, Santa Clara County Bar Association, J. Reuben Clark Law Society; *Chair:* High Technology Law Section, Santa Clara County Bar Association and Silicon Valley Chapter, J. Reuben Clark Law Society. *Languages:* Spanish, Italian. *Practice Areas:* Complex Business Litigation, Intellectual Property Litigation.

PACKARD, PACKARD & JOHNSON

FIRM PROFILE: *Packard, Packard & Johnson is a multi-state law firm founded in 1979, has offices in Los Altos, California, Salt Lake City, Utah and Beaumont, Texas. Firm attorneys are admitted to practice, variously, in California, Texas and Utah. The firm devotes a significant percentage of its time to the prosecution of Nationwide Class Actions and False Claims Act cases in which "whistle-blowers" pursue defense, medical and other government contractors for fraudulent claims made to the United States Government.*

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